

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

January 6, 1998

VIA HAND DELIVERY

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Re: Crime Awareness and Campus Security Act Compliance Review

Dear Mr. Loreng:

As I mentioned, the University recently reprinted portions of its 1997 security report to reflect revisions to its 1994 statistics for the category of forcible rape. I am enclosing for your information a report with the revisions. I am sorry that we did not get these to you before the holiday break.

Please let me know if you have any questions.

Very truly yours,



Brenda Fraser

BF:an
Enclosure

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

December 16, 1997

VIA HAND DELIVERY

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Re: Crime Awareness and Campus Security Act Compliance Review

Dear Mr. Loreng:

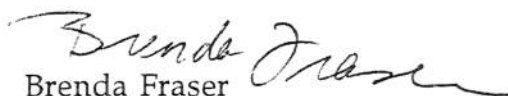
As you requested in your memorandum of December 9, I am enclosing a few additional color-coded copies of the June 1997 Property Ownership map together with an explanation of the legend on the map and search summaries from the Records Unit for drug offenses and liquor-law violations for 1994, 1995 and 1996. (Please note that the database is not programmed to run summaries by arrests.) In response to item 3, below is a list of "noncontiguous" locations:

- Flower Cook Observatory, Malvern, PA
- Morris Arboretum, Chestnut Hill, PA
- New Bolton Center, Kenneth Square, PA
- University Boathouse, Schuylkill River, Philadelphia
- Wharton Sinkler Conference Center, Wyndmoor, PA

As I explained during our telephone conversation on December 10, the University does not have a separate brochure for individuals who makes general inquiries; the point that I attempted to make at the October 10 meeting is that the University includes a notice statement in materials it directs to those who inquire about applying. I regret any misunderstanding about this point.

Please let me know if you have any questions regarding this information.

Very truly yours,


Brenda Fraser

BF:an
Enclosures

EXPLANATION OF LEGEND OF COLOR CODED

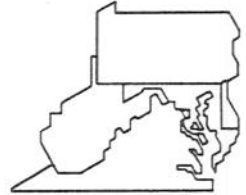
JUNE 1997 PROPERTY OWNERSHIP MAP

<u>Color/Description</u>	<u>Explanation</u>
Aqua /University Owned	Owned by the University, comprising largely of academic buildings.
Red/University City Associates	Owned by UCA, a wholly-owned subsidiary of the University that holds commercial and residential investment properties.
Purple/Pennsylvania Higher Educational Facility Authority	Owned by PHEFA, a state agency that provides financing for construction of University housing and other facilities. PHEFA holds title as security for repayment of loan obligations but the University is the equitable owner.
Green/Partially Leased to University of Pennsylvania	Penn has no ownership interest, but leases space in building.
Brown/University Affiliated	Penn has no ownership interest; Wistar Institute and Newman Center are independent entities with ongoing relationships with the University.
Yellow/Fraternity/Sorority: University Owned	Penn owns with no reversion back to organization.
Orange/Fraternity/Sorority: University Owned- Revisionary Interest	Penn owns subject to agreement that property reverts if University ceases to use for a particular purpose.
Hot Pink/Fraternity Owned/ Sorority: Independently Owned	Penn has no ownership interest.
Light Blue/Fraternity/Sorority Leased from Private Owners	Penn has no ownership interest.
Navy/Institutional Development District.	City of Philadelphia zoning classification.
Red/Campus Development Boundary	An area delineated by Facilities Planning in the 1950's possible plan development; has no current significance.



U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19104



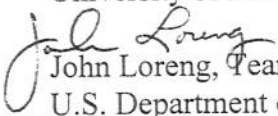
REGION III

STUDENT FINANCIAL
ASSISTANCE PROGRAMS

ROOM #16200

VIA FAX

TO: Brenda Fraser, Associate Counsel
University of Pennsylvania

FROM:  John Loreng, Team Leader
U.S. Department of Education

DATE: December 9, 1997

SUBJECT: DATA REQUEST

The team has received your correspondence dated November 26, 1997, which covers the remaining information requested during the meeting last month. We appreciate your response.

As the team endeavors to finalize the analysis portion of the review, it is also seeking policy guidance on several compliance questions. In this regard, the following items are requested:

1. Definitions or descriptions for the entities listed on the legend of the color-coded Property Ownership June 1997 map;
2. additional color-coded copies of the above map;
3. a list of "non-contiguous" locations for reporting purposes;
4. a copy of the brochure mailed to individuals making general inquiries of the University, as mentioned by you during the October 10, 1997 meeting; and
5. a Search Summary from the Records Unit for drug and alcohol arrests for 1994, 1995 and 1996.

We would appreciate if the above items could be available by next Monday December 15, 1997. Please advise and thank you for your cooperation.

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

November 26, 1997

VIA HAND DELIVERY

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Re: Crime Awareness and Campus Security Act Compliance Review

Dear Mr. Loreng:

I am enclosing the following items: 1) a summary regarding alcohol- and drug-related matters handled by the Office of Student Conduct ("OSC") during calendar years 1994, 1995 and 1996; and 2) seven letters verifying the manner in which University admissions offices provide crime and safety information to prospective students. By now you should have received the redacted copies of the computer printouts from the Division of Public Safety's database for incidents from 1994, 1995 and 1996; according to our courier, these were delivered to your office on November 21.

I am sorry that the OSC summary was so long in the making. As Michele Goldfarb explained when she met with the team in September, producing this information required a lengthy manual search--and page by page review--of all disciplinary files for the relevant three-year period. You should bear in mind that the summary reflects only information that appears in files maintained by the Office of Student Conduct. Further, the classification of matters as "alcohol-related" or "drug-related" is based on OSC's judgment about whether a particular matter referred to the office involved alcohol or drugs in a way that could violate the University's policies. If, during the course of its investigation, OSC discovers that a student's or group's behavior may be related to alcohol or drug use, the office classifies the matter as alcohol- and/or drug-related and addresses this aspect of the student's or group's behavior--regardless of whether the behavior violates the law.

The categories used by OSC do not necessarily reflect the basis for any police intervention that may have occurred.

During my meeting with the team last month, I provided the team with documentation of the manner in which the Office of Undergraduate Admissions and the Office of the Vice Provost for Graduate Education (which coordinate undergraduate and graduate programs, respectively) advise prospective students about safety and crime information. You then asked for written verification regarding the manner in which professional programs disseminate this information. The enclosed letters describe how undergraduate, graduate and professional programs satisfy the dissemination requirements of the Crime Awareness and Campus Security Act. Although the Act simply requires providing the report to applicants upon request, most of the admissions offices automatically provide the report to prospective applicants or applicants. Each office notifies prospective students of the availability of the report. In addition, the annual report is made available through the Internet.

Based on our discussion last month, it appears that you may have interpreted the Act and its implementing regulations to require institutions to provide the annual report to every prospective student. However, the Crime Awareness and Campus Security Act requires distribution of the report to "any applicant for enrollment or employment upon request". 20 U. S. C. § 1092 (f) (emphasis added). Similarly, the regulations state that institutions must distribute the report to "prospective students . . . upon request, provided that such individuals are informed of the availability of the security report, given a summary of its contents and given the opportunity to request a copy." 34 C.F.R. 668.47 (b)(2).

I hope that the enclosed satisfies the outstanding requests. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Brenda Fraser".

Brenda Fraser

BF:an
Enclosures

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

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Facsimile: 215-898-8519

November 21, 1997

VIA COURIER

Mr. John Loreng
Team Leader, CMD, NE
U.S. Department of Education
3535 Market Street Room 16200
Philadelphia, Pennsylvania 19104

RECEIVED

NOV 21 1997

OFFICE OF GENERAL COUNSEL
ASSISTANCE

Re: Compliance Review

Dear Mr. Loreng:

I am enclosing three printouts from the Division of Public Safety's database for incidents from 1994, 1995 and 1996. These are the first three items referenced in your letter of September 30, 1997 to me. As we agreed during our meeting of October 10, 1997, we have redacted from these documents personal identifiers such as names, social security numbers, and residential apartment and room numbers.

Although I also agreed that we would redact three other documents on your list (items 13, 14 and 15), we did not find these items in St. Leonard's Court. I have since learned from Nancy Della Vecchia that the team took these documents off-site and cannot presently relinquish them to us for appropriate redactions. Nancy suggested having Public Safety generate new printouts from which the appropriate information can be redacted; when the team is through with the unredacted documents, it can exchange these for their redacted counterparts.

While retrieving documents from Room 217 St. Leonard's Court, we discovered various copies of the Almanac, which we believe are copies of back-issues we provided to the team during the early weeks of the on-site, and wonder whether the team has any further need for these copies. Please let me know if we should discard these copies. As we discussed, our office will archive the documents referenced as items 4 through 12 on your September 30 list until the completion of this review.

Please let me know if you have any questions about the enclosed documents.

Very truly yours,

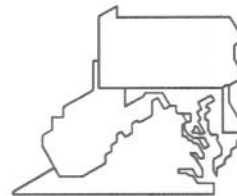

Brenda Fraser

BF:an
Enclosures



U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19104



REGION III

STUDENT FINANCIAL
ASSISTANCE PROGRAMS

ROOM #16200

November 19, 1997

Ms. Brenda Fraser
Associate General Counsel
University of Pennsylvania
221 College Hall
Philadelphia, PA 19104

SENT VIA FAX

Dear Ms. Fraser:

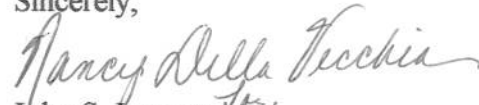
As you are aware, the U.S. Department of Education (the Department) is in the process of conducting a review of the University of Pennsylvania's (the University) compliance with the Federal Student Right to Know and Campus Security Act of 1990, as implemented by 34 CFR 668.47. At present the Department's review team is finalizing its analysis of the information provided by the University during the course of the review. However, the information detailed below is still outstanding.

1. During an interview with the Director of the Office of Student Conduct, Ms. Michelle Goldfarb, on September 16, 1997, the review team requested a report showing all drug and alcohol cases referred to the Office of Student Conduct by the University Police Force during the calendar years 1994, 1995, and 1996. In addition, the report was to show how many of those cases also involved an arrest for a drug or alcohol offense.
2. During a follow - up interview conducted on October 10, 1997, the review team requested that the University provide a statement from the Admissions Office, indicating how the University meets the requirements of 34 CFR 668.47 (b).

We are aware that the University is also in the process of redacting computer print-outs. As that has proven to be quite a time consuming task, the University should provide the information listed above to the review team, independently of the redacted print-outs. Please provide this information by November 26, 1997, so that the review team may complete its analysis of all relevant documentation. The computer print-outs should be provided by December 5, 1997.

If you have any questions, I can be reached at (215) 596-0247.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Della Vecchia".

John S. Loreng *for*

Co-Team Leader

Northeast Quadrant - Philadelphia Team



Security On Campus, Inc.
 215 West Church Road, Suite 200
 King of Prussia, Pa. 19406-3207

tele: (610) 768-9330

fax: (610) 768-0646

E-Mail: socoffice@worldnet.att.net

Internet Site: <http://www.soconline.org>

Reply To:

Benjamin F. Clery
 P.O. Box 1965
 Palm City, FL 34991

tel: 561-336-1085

fax: 561 336 9797

e-mail: bclery@soconline.org

Howard K. Clery, Jr.
 Co-Founder

Constance B. Clery
 Co-Founder

Benjamin F. Clery
 President

Frank Carrington, Esq.
 (In Memoriam)

S. Daniel Carter
 Regional Vice President

Myra Kudner
 Administrative Assistant

FAX TRANSMISSION

To: James Moore, Case Mgt. Team
 Dept. of Education, Region III
 Philadelphia, Pa. 19104

13-Nov-1997

7 Total Pages

From: Ben Clery & Margaret Jakobson

Re: University of Pennsylvania - Violations of the *Campus Security Act* (P.L. 101-542)

Dear James,

Pursuant to your recent conversations with Margaret Jakobson, please find attached the recent *Daily Pennsylvanian* article "Blind Justice" wherein Michele Goldfarb (Office of Student Conduct and former U.S. Attorney) informs the reporter that she has changed the [crime] categories Penn's OSC uses to statistically report charges against students (pg. 3). Goldfarb deliberately defies the crime reporting provisions of the *Campus Security Act* which directly deceives Higher Education consumers who factor this information into their school selection and activities decisions. Furthermore, Penn's certified Program Participation Agreement with the Federal Government is a "false instrument" due to deliberate violations of the *Campus Security Act*... this former U.S. Attorney understands the law and Penn's reporting obligations under the *Campus Security Act*!

Additionally, I have attached a recent article - "University Hires White House Lawyer To Oversee Legal Offices" - for your review and files. Penn is certainly staffing an inordinate number of highly credentialed lawyers to wrangle and obfuscate any challenges to its policy and practices.

James, I hope you and your colleagues impress upon Penn officials that they are not "entitled" to participate in federal funding programs when they choose to ignore the fundamental crime reporting obligations that the *Campus Security Act* and the U.S. Department of Education have established... if they won't abide by the law, then they must be prohibited from participating in federal and state funding programs.

Sincerely yours,

A Public Non-Profit Organization 501 (c) (3)

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

September 30, 1997

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Dear Mr. Loreng:

I am enclosing copies of the Special Services files corresponding to the five control numbers that Nancy Della Vecchia enumerated during our meeting last Wednesday [Control Nos. 96-16336, 96-19346, 96-9818, 96-16159 and 94-25983]. We found these documents among the redacted version of Special Services files from which we copied the documents that were provided to the team on August 13, 1997. In most of these cases there were no divider sheets between the "missing" file and the preceding or subsequent file. I am sorry for any inconvenience that these collating errors have caused.

I have confirmed that the University provides its annual security report to prospective students upon request. It notifies prospective students of the availability of the report through various publications, including internet sites. For example, the notice is available on the undergraduate admissions and graduate school web pages; the undergraduate admissions notice is linked to the full text of the report (see enclosed print-out) and the graduate admissions notice is being revised to create a link to the full text.

Please let me know if you questions.

Very truly yours,



Brenda Fraser

BF:ghs
Enclosures

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660

Facsimile: 215-898-8519

August 12, 1997

VIA FACSIMILE

Howard Sorensen, Esquire
U.S. Department of Education
Office of the General Counsel
600 Independence Ave., S. W.
Washington, D.C. 20202-2110

Re: Campus Security Act Compliance Review

Dear Mr. Sorensen:

This is to respond to your letters of August 6 and August 12 and to confirm my understanding based on intervening conversations.

As told you on August 7, the University was concerned about two aspects of the arrangement you proposed in the August 6 letter: 1) contrary to our prior understanding with John Loreng, the team leader, the proposed arrangement would give all team members access to personal information in the confidential files; and 2) the proposed arrangement would not involve the University in the redaction process. In response to our second concern, you agreed to give the University the opportunity to ensure that appropriate information is redacted from records that the team designates for copying.

I want to assure you once more that the University does not question the Department's right to have access to the confidential files in the Special Services Unit of the Division of Public Safety. Nor is it our aim to preclude the team's review of these records. However, as we have explained many times, the University has an obligation to protect personally-identifiable information of sexual assault victims who provided information on the express condition of confidentiality. We do not believe that the Higher Education Act or the Program Participation Agreement requires the University to disregard these obligations--particularly, where, as here, inspection of personally-identifiable information is not required in order to achieve the objectives of the Department's review.

We have available for the team's review on Wednesday morning, August 13, copies of the complete confidential files in the Special Services Unit for the years 1994, 1995 and 1996, from which we have redacted only personally-identifiable information (name, address, telephone number, student identification number and social security number). We believe that these documents will enable the team to assess the University's compliance with the Campus Security Act while only minimally intruding upon the legitimate privacy interests of individuals. We can assure the team that the moderate redactions we have made do not change the substance of these documents. Further, while we strongly object to the contention that it is necessary for the Department to have access to the personally-identifiable information, we will also make available the original documents to permit the team leader or his designee to verify that redaction has not altered the substance of the records.

As I told you earlier today, I will be away from the office until later this month. If you have any questions or wish to discuss any aspect of the review further, please contact Shelley Green, General Counsel, at (215) 899-7660.

Very truly yours,

Brenda Fraser /tm
Brenda Fraser

cc: John S. Loreng
Lisa Murtha

UNIVERSITY OF PENNSYLVANIA

Office of the General Counsel
221 College Hall
Philadelphia, PA 19104

Telephone : 215-898-7660
Fax: 215-898-8519

TO: Howard Sorensen, Esquire
cc: John S. Loreng

FAX No.: 202-401-9533

FROM: Brenda Fraser

DATE: August 13, 1997

RE: Campus Security Act Compliance Review

NUMBER OF PAGES (Following cover page): 2

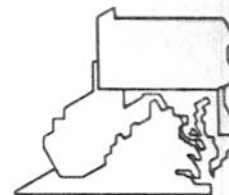
COMMENTS:

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U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19104



REGION III

STUDENT FINANCIAL
ASSISTANCE PROGRAMS
ROOM #16200

VIA FAX

TO: Brenda Fraser
Associate General Counsel
University of Pennsylvania

FROM: *John Loreng*
John Loreng
Team Leader, CMD NE

DATE: August 13, 1997

SUBJECT: Additional File Request

The following is a list of files which the team has determined it needs access to, in order to continue its review.

- a) All files maintained in the Special Services Unit from the calendar year 1994, including, but not limited to the confidential files.
- b) All files maintained in the Special Services Unit from the calendar year 1995, including, but not limited to the confidential files.
- c) All files maintained in the Special Services Unit from the calendar year 1996, including, but not limited to the confidential files.

For the following control numbers provide the file from the Records Unit, the file from Special Services Unit, and any supplemental report or follow up, including any investigation done by the detectives unit. These records should be available at 9:00 am, Thursday, August 14, 1997.

<u>CASE NUMBER</u>	<u>CONTROL NUMBER</u>
1. N/A	918
2. 652	3986
3. N/A	4478
4. 730	4418
5. 849	5071

6. N/A	5304
7. 895	5338-OC
8. N/A	6827
9. N/A	7084
10. 1273	7197
11. N/A	7469
12. 1439	7939
13. 1529	8426
14. 1532	8434
15. N/A	9716
16. N/A	9787
17. 2027	11243
18. N/A	11347
19. N/A	11393
20. 20503	11427
21. N/A	12466
22. N/A	12470
23. N/A	12577
24. 2362	13176
25. 2362	13177
26. 2435	13652-OC
27. N/A	14082
28. N/A	14810
29. N/A	16914
30. N/A	17281
31. N/A	17351
32. N/A	18618
33. N/A	18653-OC
34. N/A	18654
35. N/A	18695
36. N/A	18976
37. N/A	20602
38. N/A	20820
39. N/A	21174
40. N/A	21276
41. N/A	21498
42. N/A	21723
43. N/A	21797
44. N/A	21800
45. N/A	21835-OC
46. N/A	21892
47. N/A	22011
48. N/A	22482
49. N/A	22692
50. N/A	22798

51. N/A	22894
52. N/A	23681
53. N/A	23758
54. N/A	23769
55. N/A	23974
56. N/A	24215
57. N/A	25723
58. N/A	25832
59. N/A	26333
60. N/A	26446
61. N/A	27419
62. N/A	27490
63. N/A	28571
64. N/A	30158
65. N/A	30566
66. N/A	31738
67. N/A	34156
68. N/A	34302

cc: Lisa Murtha
Compliance Officer



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

August 12, 1997

Brenda Fraser, Esq.
Associate General Counsel
Office of the General Counsel
University of Pennsylvania
221 College Hall
Philadelphia, PA 19104-6303

VIA FAX

Dear Ms. Fraser:

This is to following up on my letter of August 6, 1997 and our conversation earlier today. In addition to the acknowledgments provided in the August 6 letter, the Department of Education ("Department") acknowledges that personally identifiable information related to student victims obtained during the course of the Department's review of the files maintained by the Special Services Unit of the Division of Public Safety will be treated as confidential by the Department.

The Department's program review team will arrive at the Special Services Unit tomorrow, August 13, 1997, at nine a.m. If access is not provided to the four team members at that time, the Department will have to conclude that the University is denying access to records necessary to determine the University's compliance with 20 U.S.C. § 1092(h).

Sincerely,

A handwritten signature in black ink, appearing to read "Howard D. Sorensen", with a long horizontal flourish extending to the right.

Howard D. Sorensen

cc: John S. Loreng, Team Leader



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

August 6, 1997

Brenda Fraser, Esq.
Associate General Counsel
Office of the General Counsel
University of Pennsylvania
221 College Hall
Philadelphia, PA 19104-6303

VIA FAX

Dear Ms. Fraser:

I am writing to respond to the proposed "Confidentiality Acknowledgment and Agreement" that you faxed to me on July 31, 1997. On behalf of the University of Pennsylvania ("the University"), you requested that the Department of Education's ("the Department") program review team sign this agreement before being provided access to confidential files maintained by the Special Services Unit of the Division of Public Safety.

We are concerned that the University's proposal conditions the access to records on execution of a separate agreement with the University. Access to records to verify compliance with the Higher Education Act is already required by regulation and the University's Program Participation Agreement with the Department. We do, however, appreciate and share the University's concerns regarding confidentiality of the sensitive records maintained by the Special Services Unit. We therefore provide the following acknowledgment in response to your concerns.

The University provides access to the Department to the records of the Special Services Unit solely in order for the Department to review and determine the University's compliance with the Crime Awareness and Campus Security Act, 20 U.S.C. 1092(h); information from these records has been utilized by the University for reporting under that act. The Department acknowledges that the contents of these records as they relate to individual students are confidential.

In keeping with the confidential nature of these records, only the four original reviewers from the Department will review these records on-site at the University. In recording any information needed, an identifier such as "student A, student B, etc." will be assigned (and shared with the University) and utilized. Any required copies will make use of the same identifier. The reviewers will redact any personally identifiable information (which includes name, address, telephone number, age, and any personally identifying number, such as a Social Security number or student identification number) from those copies. The team will share with the University copies of the redacted materials; only the

Brenda Fraser, Esq.
Page 2

redacted copies will become part of the Department's workpapers.

Although the review of these records will be limited on site to the four original reviewers, nothing in this acknowledgment restricts the ability of the reviewers to disclose the results of their review to others in the Department as needed to complete the review and arrive at determinations with respect to the University's compliance with the Campus Security Act. Due to redaction, however, any future reference to the records will use the assigned identifiers and not any personal reference.

Please confirm that these arrangements are acceptable to the University. The review team plans to continue its review in the Special Services Unit on Friday morning, August 8, 1997. The University's cooperation and expeditious response in this matter will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard D. Sorensen", with a long horizontal flourish extending to the right.

Howard D. Sorensen

cc: John S. Loreng, Team Leader

UNIVERSITY OF PENNSYLVANIA
Office of Audit and Compliance
F. Lisa Murtha, Esquire
Corporate Compliance Officer
Saint Leonard's Court
3819 Chestnut St. Suite 214
Philadelphia, PA 19104-3106

(215) 898-1934/ (215) 662-7265 FAX

Fax Transmittal Sheet

To: John S. Loreng

FAX: 596-5047 **PHONE:** 596-1018

Date: August 01 1997

Pages: (including cover): 2

COMMENTS: RE JULY 29 CORRESPONDENCE

This message is intended only for the individual or entity to which it is addressed and may contain information that is confidential. If the reader of this message is not the addressee, or the employee or agent of the addressee, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

UNIVERSITY of PENNSYLVANIA

Office of Audit & Compliance

Saint Leonard's Court
3819 Chestnut Street, Suite 214
Philadelphia, PA 19104-3106
Tel: 215-898-7260
Tel: 215-662-6232
Fax: 215-662-7265

July 31 1997

John S. Loreng, Team Leader
Case Management Division, Northeast Quadrant - Philadelphia
U.S. Department of Education
3535 Market Street
Philadelphia, PA 19104

re: Revised Letter 8/01/97

Dear Mr. Loreng:

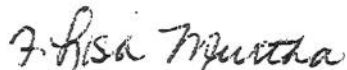
This letter acknowledges your recent request to review original records and/or files maintained by the Special Services Department of the Division of Public Safety. I have forwarded your letter to the University's Office of General Counsel for their review because your letter raises certain legal issues regarding the University's obligation to maintain the confidentiality of such data under Pennsylvania State law and the University's desire to work cooperatively with your office in this compliance review.

I have discussed the compromises we considered on Tuesday with Brenda Fraser. She is amenable to the general concept but desires to discuss it with your counsel. I understand that Brenda has placed a call to your attorney and the process is moving forward.

Our goal is to have this matter resolved as soon as possible — we will continue to work diligently to achieve this goal.

Please feel free to call me at 898-1934 should you have any questions or comments regarding this information.

Sincerely,



F. Lisa Murtha
Corporate Compliance Officer

cc: Brenda Fraser
Assistant General Counsel

UNIVERSITY OF PENNSYLVANIA
Office of Audit and Compliance
F. Lisa Murtha, Esquire
Corporate Compliance Officer
Saint Leonard's Court
3819 Chestnut St. Suite 214
Philadelphia, PA 19104-3106

(215) 898-1934/ (215) 662-7265 FAX

Fax Transmittal Sheet

To: John S. Loreng

FAX: 596-5047 **PHONE:** 596-1018

Date: July 31 1997

Pages: (including cover): 2

COMMENTS: RE JULY 29 CORRESPONDENCE

This message is intended only for the individual or entity to which it is addressed and may contain information that is confidential. If the reader of this message is not the addressee, or the employee or agent of the addressee, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

UNIVERSITY of PENNSYLVANIA

Office of Audit & Compliance

Saint Leonard's Court
3819 Chestnut Street, Suite 214
Philadelphia, PA 19104-3106
Tel: 215-898-7280
Tel: 215-662-6232
Fax: 215-662-7265

July 31 1997

John S. Loreng, Team Leader
Case Management Division, Northeast Quadrant - Philadelphia
U.S. Department of Education
3535 Market Street
Philadelphia, PA 19104

re: Your Letter Dated July 29, 1997

Dear Mr. Loreng:

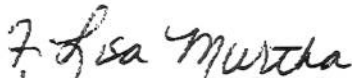
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Sincerely,



F. Lisa Murtha
Corporate Compliance Officer

cc: Brenda Fraser
Assistant General Counsel

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

RECEIVED

JUL 31 1997

OFFICE OF STUDENT FINANCIAL
ASSISTANCE

July 30, 1997

VIA HAND DELIVERY

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Re: Crime Awareness and Campus Security Act Compliance Review

Dear Mr. Loreng:

I am writing to respond to your letter of July 29, which you directed to Lisa Murtha, the University's Compliance Officer. As we have told you, the University has designated me to coordinate this review on its behalf. Thus, to enable the University to respond expediently, you should direct any requests or concerns you have regarding access to University employees or documents to my attention.

There is apparently some misunderstanding about the basis for the concerns about confidentiality that I raised during the first week of the on-site review. It has never been my perception nor the University's position that the Family Educational Rights and Privacy Act precludes the disclosure of information to the Department of Education. Rather, our legal concerns relate to Pennsylvania's sexual assault counselor privilege--which I discussed with Mr. Sorensen before the teleconference on July 7--and, to a lesser extent, other laws (such as the Criminal History Record Information Act) that proscribe the disclosure of certain types of information maintained by the Division of Public Safety. Moreover, we wish to avoid likely difficulties in protecting such information from disclosure to third parties under the Freedom of Information Act. It is in the University's best interest to be as open as possible and I believe that we have been forthcoming. On the other hand, we need to be sensitive to the interests of sexual assault victims who chose to make confidential reports and rely upon Special Services' assurances of confidentiality. From our experience in other reviews, we know that once protected information leaves our campus, it is much more difficult to prevent its disclosure to third

parties--who have no legitimate interest in knowing the names and other personal information about victims.

With these considerations in mind, we will continue to honor your requests for information. It is not clear from your letter whether other aspects of the agreement that we reached on July 7, 1997 still stand. With respect to documents containing protected information, please clarify whether you are still agreeable to taking from campus only documentation of non-compliance and giving the University an opportunity to redact personally identifiable information where appropriate.

Please contact me with any additional requests you may have and to discuss the logistics for the transmission of the information you have requested from the Special Services Unit.

Very truly yours,

A handwritten signature in cursive script that reads "Brenda Fraser".

Brenda Fraser

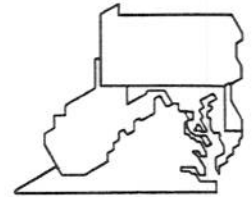
BF:an

cc: Howard Sorensen



U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19104



REGION III

STUDENT FINANCIAL
ASSISTANCE PROGRAMS

ROOM #16200

July 29, 1997

Ms. Lisa Murtha
Compliance Officer
University of Pennsylvania
Philadelphia, PA 19104

VIA HAND DELIVERY

Dear Ms. Murtha:

As you are aware the U.S. Department of Education (the Department) is currently conducting a program review, focusing on the University of Pennsylvania's (the University) compliance with the Student Right to Know and Campus Security Act of 1990. The review team consists of Mr. John Loreng, Team Leader, Ms. Nancy DellaVecchia and Mr. James Moore, Institutional Review Specialists, and Ms. Suzanne Wood, Systems Coordinator.

Shortly after the commencement of the review, the University raised concerns regarding confidentiality of the data reviewed and the possibility of the data being requested and released to the public under the Freedom of Information Act (FOIA). Ms. Brenda Fraser, Associate General Counsel for the University, stated concerns related to possible FOIA requests, an unspecified state confidentiality law, and the University's compliance with the Family Educational Rights and Privacy Act (FERPA). In an attempt to address the University's concerns regarding FOIA requests, the confidentiality of records and FERPA, the review team, Ms. Fraser, Ms. Lisa Murtha, University Compliance Officer and the Department's counsel, Mr. Howard Sorensen, agreed, during a conference call on July 7, 1997, that the review team would *initially* work with redacted records.

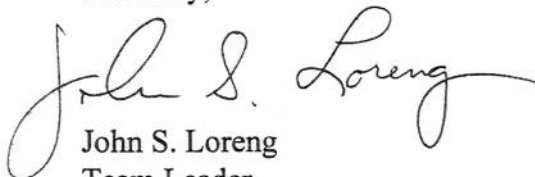
However, the team has determined that a thorough review to determine whether crime statistics reported by the University are accurate is not possible under these conditions. In fact, redacted records do not exist prior to March 1996. As a result, the review team has determined that it cannot adequately verify the accuracy of the crime statistics reported, without the team reviewing actual files and/or records, including, but not limited to, confidential files maintained by the Special Services Division. Based on the information received during interviews with University officials and the information

received from the redacted records thus far, the review team cannot verify which specific crimes were reported in the Campus Security Reports, the reasons for assigning and/or changing the Uniform Crime Reporting (UCR) codes for several reported crimes, and how determinations were made by University staff as to the actual locations of these reported crimes. Furthermore, Ms. Fraser advised the review team on Friday, July 25, 1997, that University staff used the actual confidential files in the Special Services Division as the sole source to perform internal reconciliations of crime statistics for the 1994 calendar year, which is part of both the 1995 and 1996 Campus Security Reports.

Therefore, please recognize this correspondence as the U.S. Department of Education's formal request for access to any and all documentation maintained by the institution regarding its Campus Security Reports. Additionally, the review team reserves the right to photocopy any file and/or record which it determines necessary to document non-compliance with the Student Right to Know and Campus Security Act of 1990. Moreover, while we understand your concerns regarding compliance with the Family Educational Rights and Privacy Act (FERPA), the Department reminds the institution that (1) records created and maintained by a law enforcement unit for law enforcement purposes are specifically excluded from the definition of "education records" protected by FERPA and (2) nothing in FERPA precludes the release of education records to authorized representatives of the Secretary.

Lastly, please be advised that the review team as representatives of the U.S. Department of Education and acting under the authority of its Secretary, must be provided access to all documents and records used by the University for reporting and compiling its Campus Security Reports, which includes, but is not limited to, confidential files maintained by the Special Services Division. Thank you for your consideration and prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "John S. Loreng". The signature is fluid and cursive, with the first name "John" and last name "Loreng" clearly legible.

John S. Loreng
Team Leader
Case Management Division
Northeast Quadrant - Philadelphia

cc: Ms. Brenda Fraser
Associate General Counsel